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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/697,593 | 10/29/2003 | Brian Harold Kelley | 030618 | 8306 |

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| EXAMINER |
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HASSAN, AURANGZEB

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| ART UNIT | PAPER NUMBER |
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2182

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/697,593 | Applicant(s) KELLEY, BRIAN HAROLD | |
| | Examiner Aurangzeb Hassan | Art Unit 2182 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) 1, 9, 10, 14, 16, 17 and 23-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-13, 15, 18-22 and 29-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 29 – 32 are objected to because of the following informalities: The examiner suggests modification of “tangible computer readable medium” to recite “computer readable storage medium”. Appropriate correction is required.
2. Claim 30 is objected to because of the following informalities: claim 30 is currently amended reciting “performed over a the wireless communication portal”. The examiner suggests appropriate usage of “a” and “the” in the claim. Appropriate correction is required.
3. Claim 5 is objected to because of the following informalities: Line 4 of claim 5 recites “the type the type”. Applicant is required to review the entire specification and make appropriate corrections. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2 – 8, 11 – 15, 18 – 22, and 29 – 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Walters et al. (US Patent Number 6,914,695 hereinafter “Walters”).

6. As per claims 29, and 33 – 36, Walters teaches a medium, system, method and device comprising:

a peripheral device (digital camera, element 11, figure 2);

a wireless device comprising (IBM ThinkPad, element 10, figure 2) ;

a computer platform (element 10, figure 2 runs Windows OS, column 2, lines 27 – 32), said computer platform comprising:

a plurality of resident programs, each resident program respectively associated with a communication protocol (column 5, lines 18 – 21); and

an operating system (Windows, column 2, lines 27 – 32) for managing resources of said wireless devices and for controlling an interaction of the wireless device said peripheral device;

wherein

said peripheral device selectively communicates with said wireless device using a specific communication protocol (Bluetooth, column 5, lines 18 – 21), and

upon said peripheral device communicating with said wireless device, said operating system identifies (device ID, figure 8) a selected resident program associated with said specific communication protocol and links said selected resident program with said peripheral device (column 13, lines 6 – 9), and

said operating system identifies said selected resident program by:

attempting to identify said peripheral device (figure 3) and

if successfully identified, mapping from the successfully identified peripheral device to a corresponding one of said resident programs (HTML interface, column 13, lines 13 – 52), or

if not successfully identified (invalid device transmissions, column 13, lines 10 – 12), mapping from a communication protocol specified by said peripheral device to a corresponding one of said resident programs (HTML interface, column 13, lines 13 – 52).

7. As per claims 2, 11, 18, and 30, Walters teaches a system, method, device, and medium wherein, the peripheral device communicates with the wireless device through a wired connection (cable connection, column 6, lines 32 – 43, USB Serial, column 2, lines 43 – 45).

The examiner cites two wired connectivity options taught by Walters.

8. As per claims 3, 12, and 19, Walters teaches a system, method, and device wherein, the peripheral device communicates with the wireless device through a wireless connection (Bluetooth, column 6, lines 32 – 47, infrared, column 2, lines 41 – 43).

The examiner cites two wireless connectivity options taught by Walters.

9. As per claims 4, 13, 20, and 31, Walters teaches a system, method, device, and medium wherein said attempting to identify comprises the peripheral device sending a class identifier (registered camera ID, column 8, lines 16 – 19) to the operating system of the wireless device and said successfully identified comprises the operating system determining the type of the peripheral device and selecting a resident program corresponding to an appropriate handler for that peripheral device based upon the class identifier (column 8, lines 11 – 51).

10. As per claims 5, 21, and 32, Walters teaches a system, device, and medium wherein said attempting to identify comprises the peripheral device sending a specific identifier (ID, column 8, lines 16 – 19) to the operating system of the wireless device and said successfully identified comprises the operating system determining the type of the peripheral device and selecting a resident program (column 8, lines 11 – 51) corresponding to an appropriate handler for that peripheral device based upon the specific identifier (column 8, lines 64 – 67, column 9, lines 1 – 23).

11. As per claims 6, 15, and 22, Walters teaches a system, method and device wherein the peripheral uses the wireless device as a communication portal to the Internet (column 11, lines 14 – 19).

12. As per claim 7, Walters teaches a system wherein, the peripheral device uses the wireless device as a communication portal over a telephone network (element 205, figure 4, column 9, lines 3 – 6).

13. As per claim 8, Walters teaches a system wherein, the peripheral device communicates with the computer platform of the wireless device through the communication portal of the computer platform (Bluetooth, column 5, lines 18 – 21).

Response to Arguments

14. Applicant's arguments with respect to claims 2 – 8, 11 – 15, 18 – 22, and 29 – 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sony Corporation, PC Connecting Kit, 1997 .

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


Art Unit: 2182

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571)272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571)272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/21/06